



**DALLAS COUNTY JUSTICE OF THE PEACE 5-1
JUDGE SARA MARTINEZ**

**MODIFICATION OF STANDING ORDER REGARDING EVICTION COURT
PROCEEDINGS UNDER THE COVID-19 STATE OF EMERGENCY**

1. Dallas County Justice of the Peace 5-1 issues this order pursuant by the authority granted by law and by all emergency orders regarding the COVID-19 state of disaster issued by the Supreme Court of Texas and Court of Criminal Appeals of Texas. This order is in response to the “FOURTH EMERGENCY ORDER REGARDING THE COVID-19 STATE OF DIASTER” by the Supreme Court of Texas regarding evictions to recover possession of residential property.
2. This order supplements and does not replace the “ORDER REGARDING EVICTION COURT PROCEEDINGS UNDER THE COVID-19 STATE OF EMERGENCY” dated March 18, 2020 (hereinafter Order No. 1).
3. The term “residential eviction for threat to person” in this order shall be defined as residential eviction cases where it is shown that the actions of the tenant, or the tenant’s household members or guests, pose an imminent threat of (i) physical harm to the plaintiff, the plaintiff’s employees, or other tenants, or (ii) criminal activity. This order only applies to residential evictions for threat to persons.
4. In such cases as described in Paragraph 3 of this order, the stay of proceedings ordered in Order No. 1 does not apply, and for the cases described in Paragraph 3, the normal deadlines and timelines, including appeal deadlines, required by the Texas Property Code, Texas Rules of Civil Procedure, and any applicable law prior to all COVID-19 orders apply, except in the Justice Court’s discretion in order to prioritize public health and avoid risk to court officers/staff and members of the public.
5. The procedures for filing a residential eviction for threat to person are modified from current procedures as follows:
 - a. A plaintiff that is filing a residential eviction for threat to person must file “**SWORN COMPLAINT FOR FORCIBLE DETAINER FOR THREAT TO PERSON OR FOR CAUSE**” that is attached to this order. The Court shall not set this case for hearing unless this is filed.
 - b. After the case is filed with the Court, the Court will as soon as practicable review the complaint and if the complaint makes a prima facie case that it is a residential eviction for threat to a person, then the judge will sign the order setting the case by telephonic/video setting only. If a prima facie case is not made, then the Court shall set the case after May 18, 2020 like all other eviction cases.
 - c. The Constable is ordered to use their best discretion, prioritizing public health and deputy constable’s safety, in serving court papers and executing writs in this case and may delay serving court papers and executing writs if absolutely necessary.
 - d. Setting, hearing, and any post judgment remedies (including appeal deadlines) shall follow the time schedule as outlined in the Texas Property

Code and Texas Rules of Civil Procedure, except when not practicable in accordance with the Court's COVID-19 mitigation plan and no tolling of time shall take place on these cases.

- e. Any judgment for residential eviction for threat to person must be announced on the same telephonic/video conference as the trial and the judge must inform the losing party of the process for submitting an appeal while complying with the Court's requirement of filing by email during the COVID-19 state of emergency.
- f. During the trial, the Court shall first determine if the actions of the tenant, or the tenant's household members or guests, pose an imminent threat of (i) physical harm to the plaintiff, the plaintiff's employees or other tenants, or (ii) criminal activity. Only after such affirmative finding can the Court then consider the grounds of eviction. If no affirmative finding is made then no decision as to the grounds for eviction shall be determine and the Court shall abate the proceedings until after May 18, 2020 and shall not render a final judgment until after May 18, 2020.
- g. If the Court during trial finds that the filing of this case and allegation of threat to others was a pretext in order for the Court to hear an eviction case circumventing the Court's delay of hearing eviction cases until after May 18, 2020, then the Court can require the Plaintiff to show cause as to why filing was not pretextual. The Court may sanction the Plaintiff for a bad faith filing, awarding the Defendant all costs for inconvenience, harassment, out-of-pocket expenses incurred or caused by the subject of litigation, and attorney's fees, and/or ordering the Plaintiff to pay a penalty into the Court. In addition, the Court can find the Plaintiff in contempt of court after a show cause hearing with such punishment being a fine and/or days in jail.

This order is in effect immediately and shall expire May 18, 2020. The time period in this order may be shortened or extended in a subsequent order if required.

ISSUED AND SIGNED THIS 14TH DAY OF APRIL, 2020



JUDGE SARA MARTINEZ
JUSTICE OF THE PEACE 5-1
DALLAS COUNTY, TEXAS